

1 **IN THE UNITED STATES DISTRICT COURT**
2 **FOR THE DISTRICT OF NEVADA**

3
4 JAMES LESCINSKY, individually and on behalf
5 of all similarly situated employees,

6 Plaintiff,

7 v.

8 CLARK COUNTY SCHOOL DISTRICT, A
9 political subdivision,

10 Defendant.

Case No.: 2:20-cv-00290-RFB-NJK

NOTICE OF YOUR RIGHT TO JOIN
LAWUIT SEEKING TO RECOVER LATE-
PAID WAGES AND/OR LIQUIDATED
DAMAGES

11
12 To: All current and former police officers who were employed by the Clark County School District
13 in Clark County, Nevada after February 11, 2017.

14 **Note: This notice is not an expression of any opinion by the court about the merits of any claims**
15 **asserted by the plaintiffs or defenses asserted by the defendant as this is ongoing litigation**
16 **and those issues have not yet been decided.**

17 Re: Fair Labor Standards Act (hereafter “FLSA”) Lawsuit filed against Clark County School
18 District.

19 **I. WHY YOU ARE RECEIVING THIS NOTICE**

20 The purpose of this notice is to inform you about the existence of a collective-action lawsuit,
21 advise you of how your rights may be affected by this lawsuit, and instruct you on the procedure for
22 participating in this lawsuit, should you choose to do so.

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1 **II. DESCRIPTION OF THE LAWSUIT**

2 On February 11, 2020, Plaintiff, James Lescinsky, who is a police officer employed by the
3 Clark County School District in Clark County, Nevada, initiated this lawsuit against Defendant, Clark
4 County School District. Plaintiff alleges that he and similarly situated employees were required to work
5 overtime for Defendant, but did not receive overtime compensation in a timely manner in accordance
6 with the FLSA and federal law. Clark County School District denies that it violated the FLSA and
7 federal law and claims that police officers were properly paid under the FLSA's overtime provisions
8 and other applicable laws.

9 Plaintiff brought this lawsuit on behalf of himself and all current and former police officers who
10 were employed in Clark County, Nevada by the Clark County School District beginning February 11,
11 2017 that were required to work overtime for Defendant, but did not receive their overtime
12 compensation on their next regular pay day in accordance with the FLSA and federal law.

13 **III. SUBMITTING AN OPT-IN AUTHORIZATION FORM**

14 All persons seeking to join this lawsuit must send a completed Opt-In Authorization form to
15 Plaintiffs' Counsel by U.S. mail, facsimile, or email. For your convenience, a pre-addressed stamped
16 envelope is included with this notice for this purpose. If you submit an Opt-In Authorization form and
17 do not receive a confirmation within 10 days from Plaintiffs' Counsel that your form was received, you
18 are encouraged to follow up with Plaintiffs' counsel to make sure that your Opt-In Authorization form
19 was received.

20 **To be valid, a written Opt-In Authorization form must be sent to, and received by,**
21 **Plaintiffs' Counsel within (ninety (90) days from the date of the mailing of this notice.**

22 **It is entirely your own decision whether or not to join this lawsuit.** You are not required to
23 submit an "Opt-In Authorization" form or to take any action at all unless you want to.
24

1 Federal law prohibits the Defendant from discharging or in any other manner discriminating or
2 retaliating against you because you “Opt-In” to this lawsuit or in any other way exercise your rights
3 under the Federal Labor Standards Act.

4 If you submit an Opt-In Authorization form, your continued right to participate in this lawsuit
5 may be affected later by a decision that you are not “similarly situated” with the named Plaintiff in
6 accordance with federal law.

7 **IV. YOUR LEGAL REPRESENTATION IF YOU JOIN**

8 If you choose to join this lawsuit, your interest may be represented by these lawyers who intend
9 to seek approval from the court to serve as class counsel, referred to elsewhere in this notice as
10 “Plaintiffs’ Counsel”:

11 DANIEL MARKS, ESQ., and ADAM LEVINE, ESQ.,
12 LAW OFFICE OF DANIEL MARKS
13 610 South Ninth Street
14 Las Vegas, Nevada 89101
15 TEL (702) 386-0536 | FAX (702) 386-6812 | EMAIL office@danielmarks.net

16 **V. LEGAL EFFECT OF JOINING THIS LAWSUIT**

17 If you choose to join this lawsuit, you will be bound by the judgment of the court, whether it is
18 favorable or unfavorable, on all issues relating to the FLSA that are decided by the court. This lawsuit
19 does not include any claims other than claims for failing to provide overtime compensation in a timely
20 manner in accordance with federal law and/or under the FLSA. While this lawsuit is pending, you may,
21 among other things, be required to provide information, sit for deposition, and, if the case proceeds to
22 trial or it is otherwise necessary, to testify in court.

23 Plaintiffs’ Counsel has taken this case on a contingency basis whereby Plaintiffs’ Counsel may
24 be compensated by as much as 40% from the total gross judgment, verdict, settlement, or award.

1 However, the Court must approve the amount of any fees awarded. If there is no recovery or judgment
2 in Plaintiffs' favor, Plaintiffs' Counsel will not seek any attorney's fees from any of the Plaintiffs.

3 You have the right to consult with or retain other counsel, but by joining this lawsuit, you
4 designate the named Plaintiff as your agent to make decisions on your behalf concerning the lawsuit,
5 like the method and manner of conducting or settling the lawsuit. The decisions and agreements made
6 and entered into by the named Plaintiffs will be binding on you if you join this lawsuit.

7 **VI. LEGAL EFFECT OF NOT JOINING THIS LAWSUIT**

8 If you choose not to join this lawsuit, you will not be affected by any ruling, judgment, or
9 settlement entered in this case, favorable or unfavorable. If you choose neither to join this lawsuit nor to
10 file your own lawsuit, some or all of your potential claims may later be barred by the applicable statute
11 of limitations.

12 **VII. DEADLINE TO SUBMIT AN OPT-IN AUTHORIZATION FORM**

13 If you believe you fall within the category of persons identified in paragraph II above and desire
14 to become a party to this lawsuit, you must completely fill out the attached Opt-In Authorization form
15 and return it to Plaintiffs' Counsel **within (ninety (90) days from the date of the mailing of this**
16 **notice.**

17 Persons whose Opt-In Authorization forms are not provided to Plaintiffs' Counsel within Ninety
18 (90) Days of receipt of this Notice will not be permitted to join this lawsuit.

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1 **VIII. FOR ADDITIONAL INFORMATION**

2 To obtain a copy of the complaint or other documents filed in this lawsuit, or for other
3 information, contact Plaintiffs' Counsel.

4 Do not contact the court, the court's clerk, or the judge. They are not permitted to address your
5 inquiries or questions.

6 Dated: June 1, 2021

7
8 
9 _____
Nancy J. Koppe
United States Magistrate Judge

10 Submitted by:

11 LAW OFFICE OF DANIEL MARKS

12 /s/Adam Levine, Esq.

13 ADAM LEVINE, ESQ.

Nevada State Bar No. 004673

14 alevine@danielmarks.net

610 South Ninth Street

15 Las Vegas, Nevada 89101

Counsel for Plaintiff

16
17 Approved as to form and content:

18 GREENBERG TRAURIG, LLP

19 /s/Kara B. Hendricks, Esq.

20 KARA B. HENDRICKS, ESQ.

Nevada Bar No. 7743

21 10845 Griffith Peak Drive, Suite 600

Las Vegas, NV 89135

22 Email: hendricksk@gtlaw.com

Attorneys for Defendant

23 *Clark County School District*

IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

JAMES LESCINSKY, individually and on
behalf of all similarly situated employees,

Plaintiff,

CLARK COUNTY SCHOOL DISTRICT,
A political subdivision,

Defendant.

Case No.: 2:20-cv-00290-RFB-NJK

OPT-In Authorization

I am a current or former employee of CLARK COUNTY SCHOOL DISTRICT, and I
hereby consent to sue CLARK COUNTY SCHOOL DISTRICT, for overtime compensation that
was not paid timely in accordance with federal law and/or under the federal Fair Labor Standards
Act ("FLSA"), 29 U.S.C. 201, et. seq.

I worked in the position of a police officer for Clark County, Nevada from on or about
_____ to on or about _____. ☐ please check if employment is
continuing.

I hereby designate the LAW OFFICE OF DANIEL MARKS, to represent me in this
action. ☐ Yes ☐ No

DATED: _____, 2021 Signed: _____
(Signature)

Name (print legibly) _____

Address: _____

(City) (State) (Zip)

Telephone: _____

Email Address: _____

Return To:

Daniel Marks, Esq. (#002003)

Adam Levine, Esq. (#004673)

LAW OFFICE OF DANIEL MARKS

610 South Ninth Street

Las Vegas, Nevada 89101

TEL (702) 386-0536 | FAX (702) 386-6812 | Email: office@danielmarks.net

Attorneys for Plaintiff